

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, OPENAI GLOBAL LLC,
OAI CORPORATION, LLC, and OPENAI
HOLDINGS, LLC,

Defendants.

Civil Action No. 1:23-cv-11195

Daily News, LP; Chicago Tribune Company, LLC;
Orlando Sentinel Communications Company, LLC;
Sun-Sentinel Company, LLC; San Jose Mercury
News, LLC; DP Media Network, LLC; ORB
Publishing, LLC; and Northwest Publications, LLC

Civil Action No. 1:24-cv-3285

Plaintiffs,

v.

MICROSOFT CORPORATION, et al.,

Defendants.

THE CENTER FOR INVESTIGATIVE
REPORTING, INC.,

Plaintiff,

v.

OPENAI, INC., OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, OPENAI GLOBAL LLC,
OAI CORPORATION, LLC, OPENAI HOLDINGS,
LLC, and MICROSOFT CORPORATION,

Civil Action No. 1:24-cv-04872

Defendants.

NEWS PLAINTIFFS' NOTICE OF RULE 30(B)(6) DEPOSITION

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, the Local Rules of the Southern District of New York, (the “Local Civil Rules”), and the Court’s June 25, 2025 Order (Dkt. 270), Plaintiffs The New York Times Company (“The Times”), Daily News, LP et al. (“Daily News”), and The Center for Investigative Reporting, Inc. (collectively, the “News Plaintiffs”), by and through their undersigned counsel, will take the deposition(s) of the designated representative(s) of Defendant Microsoft Corporation, able to testify fully as to the topics listed in Exhibit 1.

The deposition(s) will be taken at mutually agreeable times and locations, and the deposition(s) will continue from day-to-day until concluded. The deposition(s) will be taken before a duly qualified notary public or other officer authorized by law to administer oaths. The deposition(s) will be recorded by video and stenographic means. The deposition(s) will be taken without prejudice to News Plaintiffs taking subsequent Rule 30(b)(6) depositions of Microsoft Corporation.

Microsoft Corporation shall provide a written designation of the name(s) and position(s) of the one or more officers, directors, or managing agents, or other person(s) who will be produced to testify on their behalf concerning the topics and matters set forth in Exhibit 1. The deposition(s) shall take place before July 29, 2025. Pursuant to Federal Rule of Civil Procedure 30(b)(6), the person(s) designated by Microsoft Corporation should be prepared to testify to such matters known or reasonably available to Microsoft Corporation as set forth in Exhibit 1.

Dated: July 8, 2025

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EXHIBIT 1**DEFINITIONS AND INSTRUCTIONS**

The following definitions and instructions apply to the Topics below.

1. All definitions and rules of construction set forth in Rule 26.3 of the Local Rules of the Southern District of New York are incorporated by reference herein.
2. “AI Model(s)” means a component of an information system and/or large language model that implements artificial intelligence (“AI”) technology or uses computational, statistical, or machine-learning techniques to produce outputs from a given set of inputs.
3. “Dashboards” means any tool that contains or tracks information about how people use Your Generative AI Products and Services. This Topic includes the following Dashboards: the Intent Analysis Dashboard (MSFT_NEWS_000995447 at -60), the Titan Dashboard (MSFT_NEWS_000635522), the Dashboards listed in MSFT_NEWS_000637451, and the Search Log API (SLAPI) identified by Microsoft in its April 7, 2025 Response to The Times’s Interrogatory No. 15.
4. “Defendants” means Microsoft and OpenAI.
5. “Microsoft” or “You” or “Your” means Defendant Microsoft Corporation, its subsidiaries, affiliates, divisions, predecessors in interest, successors, or assignees, and their respective officers, directors, employees, consultants, representatives, and agents.
6. “Generative AI Models(s)” means AI Models that emulate the structure and characteristics of input data in order to generate derived synthetic content, such as images, videos, audio, text, and other digital content.
7. “Text Generation AI Model(s)” means Defendants’ Generative AI Models, including generative pre-trained transformers or large language models (LLMs), that provide text outputs in response to inputs or prompts, including but not limited to GPT base, GPT-1, GPT-2,

GPT-3, GPT-3.5, GPT-3.5 Turbo, GPT-4, GPT-4 Turbo, the GPT-4o family of models, and all other versions or other Generative AI Models included in Defendants' Generative AI Products and Services.

8. "Generative AI Product(s) and Service(s)" means any publicly available or commercial product or service offering that includes a Generative AI Model, including but not limited to ChatGPT branded products and services, Browse (formerly known as Browse with Bing), Copilot branded products and services, including the "refreshed" version of Copilot that Microsoft claims to have launched on October 1, 2024, Bing Chat, SearchGPT, the OpenAI API, and CustomGPTs, including "Remove Paywall," "News Summarizer," "Webpilot," and "WebGPT."

9. "Including" means including but not limited to.

10. "Journalism" means the activity of writing or creating nonfiction text content for newspapers, news magazines, news websites, and news mobile applications that provide the same or similar content as news websites, and includes the work of News Plaintiffs as alleged in their complaints and cooking websites and product recommendation websites, such as New York Times's Cooking and Wirecutter.

11. "OpenAI" means Defendants OpenAI Inc., OpenAI GP, LLC, OpenAI Opco, LLC, OpenAI Global, LLC, OpenAI Holdings LLC, OpenAI, LLC, or OAI Corporation, LLC, their subsidiaries, affiliates, divisions, predecessors in interest, successors, or assignees, and their respective officers, directors, employees, consultants, representatives, and agents.

12. "Relating to" means discussing, describing, referring to, pertaining to, containing, analyzing, studying, reporting on, commenting on, evidencing, constituting, setting forth, considering, recommending, concerning, or pertaining to, in whole or in part.

13. “News Plaintiffs” means Plaintiff The New York Times Company, the Daily News LP Plaintiffs, and Plaintiff The Center for Investigative Reporting, Inc., collectively.

14. The “Daily News LP Plaintiffs” include all of the plaintiffs in *Daily News, LP, et al. v. Microsoft Corp., et al.*, No. 1:24-cv-3285 (S.D.N.Y.).

15. “User Engagement Metrics” include but are not limited to the following metrics and related information: session duration, the number of prompts or queries that a user inputs per session, click-through data, fallback rates, bounce rates, subscriber figures, ad impressions, and search performance metrics.

TOPICS

1. Your Dashboards, including for every Dashboard:

- a) The User Engagement Metrics the Dashboard collects and/or tracks and the source of this data;
- b) Whether and how the Dashboard can be queried, including whether Microsoft has deprecated the Dashboard if so when Microsoft did so;
- c) The extent to which the Dashboard can generate reports;
- d) To the extent the Dashboard cannot currently generate reports, the steps necessary to make it possible to do so, and the cost and time associated with this process;
- e) The extent to which Microsoft is preserving the information contained within and/or tracked by the Dashboard, including Microsoft’s retention policy for preserving such information.

2. User Engagement Metrics reflecting how people use Your Generative AI Products and Services, including (a) the extent to which people use Your Generative AI Products and Services to access Journalism content, (b) the extent to which News Plaintiffs’ content, URLs, or

trademarks are referenced in the prompts, outputs, and responses of Your Generative AI Products and Services, (c) the extent to which Your Generative AI Products and Services rely on News Plaintiffs' content for retrieval augmented generation, and (d) click-through rates (rate of clicks per 100 impressions of a source URL shown to a user in a chat response), showing the extent to which people click the links in the user responses generated by Your Generative AI Products and Services.

3. The Dashboards and web analytics platforms queried and the User Engagement Metrics analyzed to support Microsoft's assertion in July 2023 that "Bing's search chatbot is increasing click-throughs to websites rather than stealing traffic."¹

4. Any studies and/or analyses assessing the extent to which Your Generative AI Products and Services impact the volume of user click-throughs and traffic to websites, impact various traffic types based on user intent (e.g., informational, transactional, commercial, navigational), and impact traffic to various content or website types (e.g., e-commerce, news, journalism, publishing).

5. The search performance data requested by Times RFPs 92 and 93, including any documents and data produced by You in response to those Requests.

¹ <https://fortune.com/2023/07/11/microsoft-bing-ai-search-chatbot-increasing-website-click-throughs/>.

CERTIFICATE OF SERVICE

I declare that I am employed with the law firm of Susman Godfrey L.L.P., whose address is One Manhattan West, New York, New York. I am not a party to the within cause, and I am over the age of eighteen .

I further declare that on July 8, 2025, I served a copy of:

NEWS PLAINTIFFS' NOTICE OF RULE 30(B)(6) DEPOSITION

- BY ELECTRONIC SERVICE [Fed. Rule Civ. Proc. Rule 5(b)(2)(E)]** by electronically mailing a true and correct copy through Susman Godfrey L.L.P.'s electronic mail system to the email address(es) set forth below, or as stated on the attached service list per agreement in accordance with Fed. Rule Civ. Proc. Rule 5(b)(2)(E).
- BY PERSONAL SERVICE** I caused to be delivered such envelope by hand to the offices of the addressee.

See Attached Service list

I declare under penalty of perjury that the following is true and correct.

Executed at New York, New York, this 8th day of July, 2025.

Alexander Frawley

/s/ Alexander Frawley

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